

**Senate File 96 - Introduced**

SENATE FILE 96

BY ZAUN

**A BILL FOR**

1 An Act providing for the licensure of operators authorized  
2 to purchase, use, and explode fireworks, and including  
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 101D.1 Definitions.

2 For purposes of this chapter, unless the context otherwise  
3 requires:

4 1. "*Department*" means the department of public safety.

5 2. "*Division*" means the division of the state fire marshal  
6 in the department.

7 3. "*Fireworks*" means permissible fireworks as described in  
8 section 727.2A.

9 4. "*License*" means a privilege granted by the state fire  
10 marshal to operate fireworks, including any privilege related  
11 to a license granted by issuance of a stamp or a payment of a  
12 fee.

13 5. "*License agent*" means an individual, business, or  
14 governmental agency authorized to sell a license.

15 Sec. 2. NEW SECTION. 101D.2 Fireworks operator license —  
16 fee.

17 1. A person shall not purchase, operate, or ignite fireworks  
18 within this state without first obtaining a license from the  
19 division for those purposes and paying a fee of forty-one  
20 dollars.

21 2. The division shall provide for the issuance of fireworks  
22 operator licenses to eligible persons. A person must be at  
23 least eighteen years of age and must successfully complete the  
24 fireworks safety education program created in section 101D.3 to  
25 be eligible for a license under this chapter.

26 3. A license shall be issued for a period not to exceed one  
27 year.

28 4. The state fire marshal shall adopt rules for  
29 the revocation or suspension of a license and for the  
30 administration of this chapter.

31 Sec. 3. NEW SECTION. 101D.3 Fireworks safety education  
32 program — license requirements.

33 1. A person shall not obtain a fireworks operator license  
34 unless the person has satisfactorily completed a fireworks  
35 safety education course approved by the division and offered

1 by the department. A person who is seventeen years of age or  
2 older may enroll in an approved fireworks safety education  
3 course, but a person who is seventeen years of age and who  
4 has successfully completed the course shall be issued a  
5 certificate of completion which becomes valid on the person's  
6 eighteenth birthday. A certificate of completion from an  
7 approved fireworks safety education course issued in this state  
8 is valid for the requirements of this section.

9 2. *a.* A certificate of completion shall not be issued  
10 to a person who has not satisfactorily completed the minimum  
11 requirements of such a course as adopted by the state fire  
12 marshal pursuant to chapter 17A. The state fire marshal shall  
13 establish the curriculum for the course.

14 *b.* Upon completion of the course, each person shall be  
15 required to pass an individual oral test or a written test  
16 provided by the division in order to receive a certificate  
17 of completion. The state fire marshal shall establish  
18 the criteria for successfully passing the test. Based on  
19 the results of the test and demonstrated safe handling of  
20 fireworks, the instructor shall determine the persons who shall  
21 be issued a certificate of completion.

22 3. The department shall provide a manual for fireworks  
23 safety which shall be used by all instructors and persons  
24 receiving fireworks safety education training in this state.  
25 The department may produce the manual in a print or electronic  
26 format.

27 4. The division shall provide for the certification of  
28 persons who wish to become fireworks safety instructors. A  
29 person shall not act as an instructor in a fireworks safety  
30 education course as provided in this section without first  
31 obtaining an instructor's certificate from the division.

32 5. An officer of the department or a certified instructor  
33 may issue a certificate to a person who has not completed the  
34 fireworks safety education course but meets other criteria  
35 established by the state fire marshal.

1 6. A fireworks operator license obtained under this  
2 chapter by a person who gave false information or presented a  
3 fraudulent certificate of completion shall be revoked and a new  
4 license shall not be issued for at least two years from the  
5 date of revocation. A license obtained by a person who has not  
6 satisfactorily completed the fireworks safety education course  
7 or has not met the requirements established by the state fire  
8 marshal shall be revoked.

9 7. An initial fireworks safety certificate of completion  
10 shall be issued without cost. A duplicate certificate shall be  
11 issued at a cost of three dollars.

12 8. Enrollment in the program shall be free for a person's  
13 initial enrollment. The division shall charge a one hundred  
14 dollar fee for any subsequent enrollment.

15 Sec. 4. NEW SECTION. 101D.4 **License agents.**

16 The state fire marshal may designate license agents for the  
17 sale of licenses, but in so doing the interest of the state  
18 shall be fully protected.

19 Sec. 5. NEW SECTION. 101D.5 **Allocation of fee revenue.**

20 All revenue collected from the fireworks operator license  
21 fees as provided in section 101D.2, subsection 1, that is  
22 collected by the division shall be allocated as follows:

23 1. One dollar of each license fee collected shall be  
24 allocated to the division.

25 2. Ten dollars of each license fee collected shall be  
26 allocated to fire departments throughout the state of Iowa.  
27 The state fire marshal shall adopt rules pursuant to chapter  
28 17A for the direction of such moneys.

29 3. Ten dollars of each license fee collected shall be  
30 allocated to public school districts throughout the state of  
31 Iowa. The state fire marshal shall adopt rules pursuant to  
32 chapter 17A for the direction of such moneys.

33 4. Twenty dollars of each license fee collected shall be  
34 allocated to the state general fund.

35 Sec. 6. NEW SECTION. 101D.6 **Accounting.**

1 The state fire marshal shall by rule establish specific  
2 requirements for remittance of funds and the necessary  
3 accounting and reporting for licenses issued.

4 Sec. 7. NEW SECTION. 101D.7 Operation of fireworks —  
5 penalty.

6 1. A person who does not possess a valid fireworks operator  
7 license shall not operate fireworks.

8 2. A person may only operate fireworks during the months of  
9 January, May, June, July, or December of each year, or during  
10 certain holiday weekends, as permitted by rule adopted by the  
11 state fire marshal pursuant to chapter 17A.

12 3. A person shall not operate fireworks at any time when  
13 the state fire marshal has declared the operation of fireworks  
14 to be a threat to public safety. The state fire marshal may  
15 declare such a threat if conditions warrant such a declaration.

16 4. A person shall not operate, ignite, or store fireworks  
17 in an unsafe manner as described within the fireworks safety  
18 manual described in section 101D.3, subsection 3.

19 5. A licensee who violates the provisions of this section  
20 shall have their license suspended and shall be required to  
21 successfully complete the fireworks safety education program  
22 created in section 101D.3 again before the division may issue  
23 another license to that person.

24 6. Any person who violates the provisions of this section is  
25 subject to a civil penalty not to exceed three hundred dollars  
26 for each offense.

27 Sec. 8. NEW SECTION. 101D.8 Sales permits.

28 1. The division shall issue permits for the sale of  
29 fireworks. A permit shall not be issued to a person under  
30 eighteen years of age.

31 2. All permits shall be for the calendar year or any  
32 fraction thereof and shall expire on the thirty-first day of  
33 December of each year. The division may set a fee for issuance  
34 of such a permit to cover administrative costs of this section.

35 3. Permits shall be conspicuously displayed in the permit

1 holder's place of business along with a clearly visible sign  
2 that states the law concerning the sale, use, and possession of  
3 fireworks in this state.

4 4. The state fire marshal shall adopt rules in accordance  
5 with chapter 17A to regulate fireworks sellers and the sale of  
6 fireworks, including the establishment of a fee for a permit  
7 issued pursuant to this section.

8 Sec. 9. Section 727.2, subsection 2, Code 2015, is amended  
9 to read as follows:

10 2. a. A person, or a firm, partnership, or corporation  
11 ~~who offers~~ permitted under section 101D.8 may offer for sale,  
12 ~~exposes for sale, sells at retail, or uses or explodes any~~  
13 ~~fireworks, commits a simple misdemeanor~~ permissible under  
14 section 727.2A or 727.2B. In addition to any other penalties,  
15 the punishment imposed for a violation of this section shall  
16 include assessment of a fine of not less than two hundred fifty  
17 dollars. ~~However, the~~

18 b. The council of a city or a county board of supervisors  
19 may, upon application in writing, grant a permit for the  
20 display of fireworks not permissible under section 727.2A by  
21 municipalities, fair associations, amusement parks, and other  
22 organizations or groups of individuals approved by the city  
23 or the county board of supervisors when the fireworks display  
24 will be handled by a competent operator, but no such permit  
25 shall be required for the display of fireworks at the Iowa  
26 state fairgrounds by the Iowa state fair board, at incorporated  
27 county fairs, or at district fairs receiving state aid. Sales  
28 of fireworks for such display may be made for that purpose  
29 only.

30 Sec. 10. Section 727.2, subsection 3, Code 2015, is amended  
31 by striking the subsection.

32 Sec. 11. NEW SECTION. **727.2A Permissible fireworks.**

33 Permissible fireworks are the consumer fireworks enumerated  
34 in chapter 3 of the American pyrotechnics association, inc.,  
35 standard 87-1, and that comply with the labeling regulations



1 completed the requirements of the program, as adopted by the  
2 state fire marshal. The state fire marshal shall establish the  
3 curriculum for the program. The program instructor shall issue  
4 a certificate of completion based upon passage of the test and  
5 upon demonstrated safe handling of fireworks.

6 The bill provides that the division shall administer  
7 individual oral or written tests, and that the division shall  
8 require passage of the test in order to issue a certificate of  
9 completion. The state fire marshal shall establish criteria  
10 for passing.

11 The department of public safety shall provide a manual for  
12 fireworks safety to be used by all instructors and persons  
13 receiving fireworks safety training. The department may  
14 produce this manual in either print or electronic form.

15 The division of the state fire marshal shall provide for the  
16 certification of instructors. The bill allows for an officer  
17 of the department or an instructor to issue a certificate of  
18 completion to any person who has not completed the program but  
19 who meets other criteria established by the state fire marshal.

20 The bill provides that a person who obtained a license by  
21 providing false information or a fraudulent certificate shall  
22 have the license revoked and the person shall not be issued a  
23 license for at least two years from the date of revocation.  
24 The bill also provides for the revocation of licenses where a  
25 licensee has not met the requirements of the bill. The bill  
26 provides that the initial certificate shall be issued at no  
27 cost, but that duplicate certificates shall cost \$3. The bill  
28 provides that enrollment within the program shall be free for a  
29 person's initial enrollment, but that any subsequent enrollment  
30 shall result in a \$100 fee.

31 The bill allows the state fire marshal to designate license  
32 agents. The bill provides for the distribution of the  
33 fireworks operator license fees. From each \$41 license fee,  
34 \$1 will be directed to the division of the fire marshal, \$10  
35 will be directed to fire departments throughout the state as

1 designated by the fire marshal, \$10 will be directed to public  
2 school districts throughout the state as designated by the fire  
3 marshal, and \$20 will be directed to the general fund of the  
4 state.

5 The bill provides that a person who does not possess a valid  
6 fireworks operator license shall not be allowed to operate  
7 fireworks. The bill provides that fireworks may only be  
8 operated during certain months and certain holiday weekends.  
9 The bill provides that the state fire marshal may, when  
10 warranted, declare the operation of fireworks to be a threat  
11 to public safety. Operation of fireworks during the time of  
12 such a declaration is not permitted. The bill provides that  
13 a person shall not operate, ignite, or store fireworks in an  
14 unsafe manner as described in the fireworks safety manual. The  
15 bill requires that any person violating these provisions have  
16 their license suspended and be required to successfully retake  
17 the fireworks safety education course before the person could  
18 be issued another license. The bill also provides that any  
19 person violating the provisions is subject to a civil penalty  
20 not to exceed \$300 per offense.

21 The bill also provides for the permitting of fireworks  
22 sales. The division shall issue such permits and shall not  
23 provide such permits to persons under the age of 18. The  
24 bill requires that these permits be displayed by the vendor  
25 conspicuously. The bill requires that the fire marshal adopt  
26 rules to regulate fireworks vendors and the sale of fireworks.

27 The bill amends criminal provisions related to fireworks to  
28 allow for the use of consumer fireworks by licensed operators.  
29 The bill provides that permissible consumer fireworks, for use  
30 by licensed fireworks operators pursuant to the bill, will  
31 include those fireworks listed in chapter 3 of the American  
32 pyrotechnics association, inc., standard 87-1 that comply with  
33 certain labeling regulations.

34 The bill also provides that if a consumer firework is  
35 not contained within that chapter, a seller must submit

1 the fireworks to the state fire marshal for examination and  
2 approval prior to their sale. The bill provides that violating  
3 this provision is a serious misdemeanor. A serious misdemeanor  
4 is punishable by confinement for no more than one year and a  
5 fine of at least \$315 but not more than \$1,875.